

1 THE HONORABLE THOMAS T. GLOVER
2 Hearing Date: March 10, 2010
3 Hearing Time: 9:30 am
4 Hearing Location: Marysville
5 Response Date: March 3, 2010
6 Chapter 13
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10 THE UNITED STATES BANKRUPTCY COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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In Re:

TIMOTHY B. BENDOKAS AND HEIDI
BENDOKAS,

Debtors.

CASE NO. 09-23427

DECLARATION OF TIM BENDOKAS
IN SUPPORT OF RESPONSE TO
TRUSTEE'S OBJECTION TO
CONFIRMATION OF PLAN AND
MOTION TO DISMISS CASE

14 My wife, Heidi Bendokas, and I are the Debtors herein.

15 I am currently 56 years old. I suffer from several inter-related health problems. Last year,
16 I underwent emergency spinal surgery because of a problem with one of my discs. The issues with
17 my back also impact my legs and make it difficult for me to stand or walk for long periods of time.
18 For these reasons, I plan to retire in about five years.

19 After we retire, my wife and I plan to sell our house in Bothell and make the condominium
20 in California our primary residence. We therefore hope to retain the condo through our Chapter 13
21 plan. In order to ensure that the retention of the condo does not prejudice our creditors, we have
22 amended our plan to include full payment on all of our personal unsecured debts. We believe this
23 one-hundred percent payment plan is now a feasible option because we recently modified the
mortgages on our current residence and significantly lowered those payments.

24 In addition to amending our plan, Heidi and I plan to further minimize the impact of retaining
25 our condo by placing it in a rental pool. On February 25, 2010, I contacted one of my neighbors in

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DECLARATION OF TIM BENDOKAS - 1
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Tim Bendokas.wpd

1 La Quinta, California to inquire about renting out our condo. She is a registered real estate agent,
2 and her office represents the PGA West community. She often assists community members with
3 renting their homes out as vacation rentals. She told me that while I would be welcome to sign up
4 with the rental pool administered by her office, I would likely make more money if I rented the
5 condo myself. She specifically suggested a website called Vacation Rentals by Owner
6 (www.VRBO.com). She told me about several people, including the owner of the condo next to
7 hers, who live out of town but have had great success in attracting vacation renters through this
8 website.

9 After looking into the website, my wife and I have decided to use it to rent out our condo.
10 Based on my research on that website and my discussions with the PGA realtor, I think we can
11 reasonably expect to be able to rent our condo out during the 22 “high season” weeks of the year if
12 we rent it at prices just under the market average. The PGA realtor also told me that we will
13 probably be able to rent it out during part of the off-season as well. Therefore we expect to receive
14 rental income which will substantially offset the cost of retaining the condo and make our plan more
15 feasible.

16 In addition to the rent from our condo, I expect to receive enough income from employment
17 to make our plan feasible. I have already begun doing contract work with another painting company.
18 In addition, I am currently up for a position running a painting apprenticeship program. My
19 employment has not yet been officially approved by the union, but I expect voting on my contract
20 to occur around the beginning of next month.

21 For these reasons, I respectfully request that the Court deny the Trustee’s motion for
22 dismissal, and allow us to continue with our Chapter 13 proceeding. I declare under penalty of
23 perjury under the laws of the State of Washington that the forgoing statements are true and correct
24 the best of my knowledge and belief.

25 DATED this 3rd day of March, 2010.

26 /s/ Timothy Bendokas
27 Timothy Bendokas

28 DECLARATION OF TIM BENDOKAS - 2
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30 Tim Bendokas.wpd

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